

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Criminal Number: CR 05-0492 MHP
Plaintiff,)	
v.)	STIPULATION AND [PROPOSED]
PATRICK COOK,)	ORDER REGARDING WAIVER AND
Defendant.)	EXCLUSION OF TIME

On Monday, October 3, 2005, the parties appeared before the Court for a status hearing and/or possible change of plea. Defendant Patrick Cook was represented at the appearance by Lidia Stiglich. Assistant United States Attorney (AUSA) Alexis Hunter appeared on behalf of the United States.

During the proceeding the government requested a continuance of two weeks. AUSA Hunter represented that information provided by the defense must be further investigated and evaluated by an agent of the United States Postal Inspection Service, who was previously unavailable. AUSA Hunter further represented that the investigation must occur before this case can be resolved.

The government then requested a continuance to Monday, October 17, 2005 for possible change of plea. The government also requested that the period from October 3, 2005 through and including October 17, 2005 be excluded from the calculation of time under the Speedy Trial Act.

ORDER
CR 05-0492 MHP

The defendant consented to the government's requests.

In light of the foregoing reasons, the failure to grant the requested exclusion would unreasonably deny counsel for the government and the defense with the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). In addition, the ends of justice would be served by the Court excluding the proposed time period; these ends outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(8)(A), (B)(iv).

With the consent of the parties, the period from October 3, 2005 through and including October 17, 2005, shall be excluded from the Speedy Trial Act calculation under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

SO STIPULATED.

DATED:

/s/
LIDIA STIGLICH
Attorney for the Defendant

DATED:

/s/
ALEXIS HUNTER
Assistant United States Attorney

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED:



CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney, Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of the STIPULATION AND [PROPOSED] ORDER TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT in the case of United States v. Patrick Cook, CR 05-0492 MPH to be served this date upon the person(s) below:

By Facsimile to (415) 865-2538

Ms. Lidia Stiglich
Stiglich, Hinckley & Burrell LLP
502 7th Street
San Francisco, CA 94103

I certify under penalty of perjury that the foregoing is true and correct. Executed on October 4, 2005 at San Francisco, California.

ALEXIS HUNTER
Assistant United States Attorney